

FINANCE DEPARTMENT

REGULATIONS

The 22nd February, 1968

No. 134-2FR-68/4926.—In exercise of the powers conferred by Proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the President of India is pleased to make the following rules further to amend the Punjab Civil Services Rules, Volume II, namely :—

1. These rules may be called the Punjab Civil Services, Volume II (Haryana Second Amendment), Rules, 1968.

2. In the Punjab Civil Services Rules, Volume II (hereinafter referred to as the said rules), after rule 1.1, the following new rule shall be inserted, namely :—

“1.1-A. In these rules unless context otherwise requires, the expression “the Punjab Government,” or any reference to that Government by whatever form of words,—

- (a) as respects any period before the 1st November, 1966, shall, as the case may be, mean the Government of the State of Punjab as it existed before that date or be construed as a reference to that Government ; and
- (b) as respects any period on or after the 1st November, 1966, shall, as the case may be, mean the Government of the State of Haryana or be construed as a reference to that Government.”

3. In the said rules, for rule 1.2, except the schedule below it, the following shall be substituted, namely :—

“1.2(1) Except as provided in rules 1.2-A and 1.2-B, the provisions of rules 4.2, 6.13 and 6.15 shall apply to Government servants (other than Military Officers) appointed substantively to the services or posts specified in the Schedule below.

(2) A competent authority may include in the list given in the Schedule any gazetted service or post the duties of which are so important that they cannot be regarded as subordinate.

Note.—A Government servant who does not hold substantively one of the posts mentioned in the Schedule, but who, by rendering officiating service counting as effective service in one of the posts included in the Schedule to rule 6.15, become eligible for an additional pension, is entitled to the benefits of this rule.

4. In the said rules, for rule 1.2A, the following shall be substituted, namely :—

“1.2A. Except as provided in rule 1.2-B, the provisions of rules 5.32-A, 6.13-A and 6.15-A, replace rules 5.32, 6.12 to 6.13 and 6.15 respectively in the case of a Government servant—

- (1) who entered Government service on or after the 5th June, 1947 ; or
- (2) who, having entered such service before 5th June, 1947, did not hold a lien or a suspended lien on a permanent pensionable post before that date ; or
- (3) who is transferred on or after the 5th June, 1947, permanently from service under the Government of India or a State Government or a Local Fund administered by Government to service under the Punjab Government and did not hold a lien or a suspended lien on a permanent pensionable post under the Government of India or State Government or the Local Fund before that date”.

5. In the said rules, for rule 1.2-E, the following shall be substituted, namely :—

“1.2-B. (1) The provisions of rules 6.16 to 6.16-D replace rules 6.11 to 6.15-A in the case of a Government servant other than a class IV Government servant,

- (1) who entered Government service on or after the 10th June, 1951 ; or
- (2) who, having entered such service before the 10th June, 1951, either did not hold a lien or a suspended lien on a permanent pensionable post, before that date, under the Punjab Government or Government of India or a State Government (Part A or C) or a Local Fund administered by Government, or who held such a lien but opted to come on the “New Pension Scheme”.

(2) Under the New Pension Scheme, a Government servant other than a Class IV Government servant, who held a lien or a suspended lien on a permanent pensionable post under the Punjab Government on that date, was allowed the following options :—

- (a) coming on to the “New Pension Scheme” ; or
- (b) continuing under the existing rules applicable to him before the 10th June, 1951 ; or
- (c) drawing pension, including additional pension under the existing rules, applicable to him before the 10th June, 1951, reduced by the “Pension equivalent” of the gratuity admissible under the New Pension Rules and receiving, in lieu of this

reduction, the death-cum-retirement gratuity and family pension benefits. The pension equivalent will be determined on the basis of the commutation table applicable to them.

Note.—The option was to be exercised before the 9th December, 1952. In the case of those who did not elect any of the alternatives mentioned in clauses (b) and (c) above, within the prescribed time limit or died without expressing any option, the New Pension Rules become applicable to them automatically. Those who had elected any of the alternatives mentioned in clauses (b) and (c) above, and were in service, or on leave preparatory to retirement, on 5th January, 1961, were given another opportunity to exercise fresh option for the New Pension Rules, as amended from time to time, before 3rd April, 1964, otherwise their original option would subsist.

In the case of persons retiring on or after the 1st July, 1964, another similar opportunity was allowed to exercise options for New Pension Rules before the 30th September, 1965. The option should be exercised in writing and should be communicated by the officer concerned to the Head of his office, if he is a non-gazetted officer and to the Accountant-General, Punjab, if a gazetted officer. The declaration, when received, from a non-gazetted officer should be countersigned by the Head of office and pasted in the service book of the officer concerned. It will be the responsibility of an officer opting a in clause (b) or (c) above, to ensure that the receipt of his declaration is, acknowledged by the Accountant-General, Punjab, or the Head of his office, as the case may be, and that he receives an intimation that it has been duly recorded by the authority concerned.

Note 2.—Persons who held lien or a suspended lien on a permanent pensionable post under the Government of India or a State Government or a Local Fund administered by Government of the Punjab and did not hold a lien or a suspended lien on a permanent pensionable post under that Government on the aforesaid date, will continue to be governed by the pension rules applicable to them under the Government or Local Fund concerned until they are confirmed in a post under the Punjab Government. This decision does not apply to former Government servants of Provincial Governments (other than joint Punjab) and Local Funds now in Pakistan whether permanent or temporary who have since migrated to Punjab. They will be treated as employees of the Government of India on deputation to Punjab Government till they are permanently absorbed under the Punjab Government.

6. In the said rules, in rule 2.8, for sub-rule (b), the following shall be substituted, namely :—

“(b) Save as provided in rule 3.17, two Government servants may not simultaneously count service in respect of the same post.”

7. In the said rules, in note below paragraph 6 Annexure to Chapter II, the words and brackets “(Appendix II)” shall be omitted.

8. In the said rules, to rule 3.9, the following note shall be added, namely :—

“*Note.*—For a Government servant in Class IV service, who held a lien or a suspended lien on a permanent pensionable post under the Punjab Government, on the 10th June, 1951, qualifying service should not begin until such Government servant had attained the age of 16 years”.

9. In the said rules, in rule 3.16, for sub-rules (a) and (c), the following shall be substituted, namely :—

“(b) Past service rendered in a Part B State (excluding Surashtra but including an Indian State which subsequently became a Part B State) shall be treated as equivalent to Government service for the purpose of pension and shall count for pension on permanent absorption in the Punjab Government service in the same manner as such service rendered in a former Part ‘A’ State counts”.

10. In the said rules, in rule 3.16, paragraphs 1 and 2 shall be re-named as “note 1” and “note 2” respectively.

11. In the said rules, for rule 3.17, the following shall be substituted, namely :—

“3.17. In the case of an officer retiring on or after 5th January, 1961, if he was holding substantively a permanent post on the date of his retirement, his temporary or officiating service under the State Government, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of :—

- (i) periods of temporary or officiating service in non-pensionable establishment ;
- (ii) periods of service in work-charged establishment ; and
- (iii) periods of service paid from contingencies.

Note 1.—In the case of a Central Government servant who is permanently transferred to the Punjab Government and becomes subject to these rules under rule 1.1(b) of these rules, the terms “continuous temporary service” or “continuous officiating service” shall include such service rendered under Central Government.

Note 2.—In case of a purely temporary Central Government servant who is permanently transferred to Punjab Government and becomes subject to these rules, the term “continuous temporary service” includes the temporary service under the Central Government. The pensionary liability in respect of such cases shall be allocated on the length of service.”

12. In the said rules, in rule 3.27, the words “unless it is followed by confirmation against a permanent post, as contemplated in rule 3.17” shall be added at the end.

13. In the said rules, in rule 4.3,—

- (a) in sub-rule (b), the words and brackets “(see also rules 4.4 to 4.6 below)” shall be omitted; and

(b) Note 4 shall be omitted.

14. In the said rules, for rules 4.6 and 4.6-A, the following rule shall be substituted, namely :—

“4.6. Persons who retire on or after 5th January, 1961, and who have rendered “War Service” (World War II) as members of His Majesty’s Forces and have been appointed or are deemed to have been appointed permanently to War-reserved vacancies or to other vacancies which arose before the 1st January, 1948, shall, subject to the following general principle, be allowed to count the completed years of their satisfactory whole time service in His Majesty’s Forces rendered between the 3rd September, 1939 or the date of their attaining the minimum age of entry into the service or post to which they are appointed on a permanent basis, whichever is later, and the 1st April, 1946, for the purposes of Civil Pension :—

- (1) In the case of services in which a minimum age is fixed for recruitment, no military service rendered below that age shall be allowed to count for pension.
- (2) The addition of War Service shall not be allowed in addition to the concession in rule 4.2, but any Government servant who may be entitled to the concessions admissible under rule 4.2 and this rule will be allowed to select whichever is more favourable. In the case of those Government servants who retire between the period commencing from the 1st day of January, 1961 and ending with the 31st day of March, 1963 (both days inclusive) the addition of war service shall not be included in rule 4.8 for the purpose of counting leave as service for pension.
- (3) British and Indian Military Service shall be allowed to count alike for pension and no contribution towards or share of pension earned as a result of this concession shall be claimed from Home Department.
- (4) No refund of military bonus or gratuity shall be demanded from the Government servant.

Note.—In the case of services in which no minimum age is fixed for recruitment, this rule shall be interpreted subject to the provisions of rule 3.9.

Note 2.—In the case of a Civil employee who has rendered satisfactory paid military service in the War in addition to Military service pensionable under the military rules before or after such service but who did not earn a pension by his war service in conjunction with his other military service, that portion of the military service which was rendered before or after the War Service should be dealt with in accordance with the provision of Rule 4.3, and the amount of gratuity which the Government servant will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under rule 4.3 bears to the total period of military service including the period of War Service.

Explanation.—For the purpose of Note 2, it is immaterial whether or not, there was a break between the war service and the other military service.

Note 3.—Member of the Police Battalions other than those who, at the time of enlistment were already in the Police Department, who on demobilization are appointed to the Police Service on a permanent establishment, shall count their temporary service in the Police Battalions towards pension in the police service.

Note 4.—See also note 9 below rule 4.3.

4.6-A. Permanent appointments against “War Reserved vacancies” or other vacancies which arise on or after the 1st January, 1948. In the case of war services candidates appointed permanently to civil posts against vacancies arising after 31st December, 1947 the war service rendered during Great War II by itself or in conjunction with other military service may be allowed to count towards civil pension to the extent of one-half. If, However, the whole or any portion of such service satisfied the conditions of rule 4.3; that portion of service may be allowed to count in full towards civil pension subject to the following conditions namely :—

- (i) The officer concerned should not have earned a pension under the military rules in respect of the service in question.
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age shall be allowed to count for pension.
- (iii) ‘War Service’ rendered in the Armed Forces of India and rendered in similar forces of a Commonwealth Country shall be allowed to count alike for pension and no contribution towards or share of, a pension earned as a result of this concession shall be claimed from the foreign government concerned.
- (iv) No refund of bonus or gratuity paid in respect of this ‘War Service’ shall be demanded from the officer concerned. If, however, the officer has been granted any retirement period, such gratuity shall be refundable. Also if any portion of service is allowed to count towards Civil Pension under rule 4.3 the provisions of Note 2 below rule 4.6 in regard to refund of gratuity shall *mutatis mutandis* apply.
- (v) Break between military or war service and the civil service shall be treated as automatically condoned, provided the period of the break does not exceed one year. Breaks exceeding

one year but not exceeding three years may also be condoned, in exceptional cases, under special orders of Government.

Note.—In a case where an officer is entitled in respect of the 'War Service' rendered between the 3rd September, 1939, and the 1st April, 1946, to the concession under rule 4.6-A he may either avail himself of the concession under this rule in respect of the whole of his military service, including 'War Service' or count the service rendered during the war period for Civil pension under rule 4.6-A and the remaining service rendered before or after the war period to the extent of one half of that service. If, however, in the latter case, the officer concerned has rendered any military service pensionable under the military rules and satisfying the conditions laid down in rule 4.3 before or after the war period, but did not earn pension by this "War Service" in conjunction with his military service, the provisions of Note 2 below rule 4.6-A shall *mutatis mutandis* apply."

15. In the said rules, for rules 4.7, 4.8 and 4.9, the following shall be substituted and shall be deemed to have been substituted with effect from the 1st April, 1963, namely :—

"4.7. In respect of Government servants who retire or die on or after the 1st April, 1963, the time passed on leave of all kinds except extraordinary leave shall count as service for pension. Period of overstay of leave also does not count for pension."

16. In the said rules for rule 4.23, the following shall be substituted, namely :—

"4.23. Interruption in service (either between two spells or permanent or temporary service or between a spell of temporary service and permanent service or vice versa in the case of an officer retiring on or after the 5th January, 1961, may be condoned, subject to the following conditions, namely :—

- (1) The interruption should have been caused by reasons beyond the control of Government Servant concerned.
- (2) Service preceding the interruption should not be less than five years' duration. In cases where there are two or more interruptions, the total service, pensionary benefits in respect of which shall be lost if the interruptions are not condoned should not be less than five years.
- (3) The interruption should not be of more than one year's duration. In cases where there are two or more interruptions, the total period of all interruptions to be condoned should not exceed one year."

17. In the said rules, after rule 5.32-A the following rule shall be inserted, namely :—

"5.33. In the case of Class IV Government Servants retiring pension may be granted if such a Government servant is permitted or required to retire after 30 years qualifying service or more."

18. In the said rules, in rule 5.35, for the words and figures "Rules 5.32 and 5.34" the words and figures "Rules 5.32 to 5.34" shall be substituted.

19. In the said rules, in rule 6.9, for the word and figures 'II to IV', the words and figures "II to III" shall be substituted.

20. In the said rules, for the heading "Section II—Superior Pension" occurring under rule 6.10, the heading "Section II—Old Pension Rules" shall be substituted.

21. In the said rules, for rule 6.13-A, the following shall be substituted, namely :—

"6.13-A. For Government servants referred to in rule 1.2-A, who retire on or after 5th January, 1961, the scale of superannuation, retiring, invalid and compensation pension is as follows :—

Completed six-monthly periods of qualifying service	Scale of Pension	Maximum limit of pension per annum	
		Members of Provincial Services, Class I	Other Government servants
		Rs	Rs
20	10 sixtieths of average emoluments	2,000	2,000
21	10½ sixtieths of average emoluments	2,100	2,075
22	11 sixtieths of average emoluments	2,200	2,150
23	11½ sixtieths of average emoluments	2,300	2,225
24	12 sixtieths of average emoluments	2,400	2,300
25	12½ sixtieths of average emoluments	2,500	2,375

Completed six-monthly periods of qualifying service

Scale of Pension

Maximum limit of pension per annum

Members of Provincial Service Class I	Other Government servants
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		Rs	Rs
26	13 sixtieths of average emoluments	2,600	2,450
27	13½ sixtieths of average emoluments	2,700	2,525
28	14 sixtieths of average emoluments	2,800	2,600
29	14½ sixtieths of average emoluments	2,900	2,675
30	15 sixtieths of average emoluments	3,000	2,750
31	15½ sixtieths of average emoluments	3,100	2,825
32	16 sixtieths of average emoluments	3,200	2,900
33	16½ sixtieths of average emoluments	3,300	2,975
34	17 sixtieths of average emoluments	3,400	3,050
35	17½ sixtieths of average emoluments	3,500	3,125
36	18 sixtieths of average emoluments	3,600	3,200
37	18½ sixtieths of average emoluments	3,700	3,275
38	19 sixtieths of average emoluments	3,800	3,350
39	19½ sixtieths of average emoluments	3,900	3,425
40	20 sixtieths of average emoluments	4,000	3,500
41	20½ sixtieths of average emoluments	4,100	3,575
42	21 sixtieths of average emoluments	4,200	3,650
43	21½ sixtieths of average emoluments	4,300	3,725
44	22 sixtieths of average emoluments	4,400	3,800
45	22½ sixtieths of average emoluments	4,500	3,875
46	23 sixtieths of average emoluments	4,600	3,950
47	23½ sixtieths of average emoluments	4,700	4,025
48	24 sixtieths of average emoluments	4,800	4,100
49	24½ sixtieths of average emoluments	4,900	4,175
50	25 sixtieths of average emoluments	5,000	4,250
51	25½ sixtieths of average emoluments	5,100	4,325
52	26 sixtieths of average emoluments	5,200	4,400
53	26½ sixtieths of average emoluments	5,300	4,475
54	27 sixtieths of average emoluments	5,400	4,550
55	27½ sixtieths of average emoluments	5,500	4,625
56	28 sixtieths of average emoluments	5,600	4,700
57	28½ sixtieths of average emoluments	5,700	4,775
58	29 sixtieths of average emoluments	5,800	4,850
59	29½ sixtieths of average emoluments	5,900	4,925
60	30 sixtieths of average emoluments and above	6,000	5,000

22. In the said rules, for the heading "Section III—Special Additional Pension" occurring under rule 6.14, the heading "C—Special Additional Pension" shall be substituted.

23. In the said rules, for the heading "Section IV—Inferior Pension" occurring under rule 6.15-A and for rule 6.16, the following shall be substituted, namely :—

"Section III—New Pension Rules—A—Gratuity and Pension.

6.16. For Government servants referred to in rule 1.2-B, who retire on or after 5th January, 1961, the amount of superannuation, retiring, invalid and compensation gratuity and pension will be the appropriate

amount, set not in the table below, and out additional or special Additional Pension will be granted to them".

TABLE

Completed six-monthly periods of qualifying service		Scale of gratuity or Pension	Maximum Pension (in Rupees per annum)
		(a) Gratuity	
1	$\frac{1}{2}$ month's emoluments		..
2	1 month's emoluments		..
3	$1\frac{1}{2}$ months' emoluments		..
4	2 months' emoluments		..
5	$2\frac{1}{2}$ months' emoluments		..
6	3 months' emoluments		..
7	$3\frac{1}{2}$ months' emoluments		..
8	4 months' emoluments		..
9	$4\frac{3}{8}$ months' emoluments		..
10	$4\frac{3}{4}$ months' emoluments		..
11	$5\frac{1}{8}$ months' emoluments		..
12	$5\frac{1}{2}$ months' emoluments		..
13	$5\frac{7}{8}$ months' emoluments		..
14	$6\frac{1}{4}$ months' emoluments		..
15	$6\frac{5}{8}$ months' emoluments		..
16	7 months' emoluments		..
17	$7\frac{3}{8}$ months' emoluments		..
18	$7\frac{3}{4}$ months' emoluments		..
19	$8\frac{1}{8}$ months' emoluments		..
20	$10\frac{1}{80}$ th of average emoluments	(b) Pension	2,700
21	$10\frac{1}{2}$ /80th of average emoluments		2,835
22	$11\frac{1}{80}$ th of average emoluments		2,970
23	$11\frac{1}{2}$ /80th of average emoluments		3,105
24	$12\frac{1}{80}$ th of average emoluments		3,240
25	$12\frac{1}{2}$ /80th of average emoluments		3,375
26	$13\frac{1}{80}$ th of average emoluments		3,510
27	$13\frac{1}{2}$ of 80th of average emoluments		3,645
28	$14\frac{1}{80}$ th of average emoluments		3,780
29	$14\frac{1}{2}$ /80th of average emoluments		3,915
30	$15\frac{1}{80}$ th of average emoluments		4,050
31	$15\frac{1}{2}$ /80th of average emoluments		4,185
32	$16\frac{1}{80}$ th of average emoluments		4,320
33	$16\frac{1}{2}$ /80th of average emoluments		4,455
34	$17\frac{1}{80}$ th of average emoluments		4,590
35	$17\frac{1}{2}$ /80th of average emoluments		4,725
36	$18\frac{1}{80}$ th of average emoluments		4,860
37	$18\frac{1}{2}$ /80th of average emoluments		4,995
38	$19\frac{1}{80}$ th of average emoluments		5,130
39	$19\frac{1}{2}$ /80th of average emoluments		5,265
40	$20\frac{1}{80}$ th of average emoluments		5,400
41	$20\frac{1}{2}$ /80th of average emoluments		5,535
42	$21\frac{1}{80}$ th of average emoluments		5,670
43	$21\frac{1}{2}$ /80th of average emoluments		5,805
44	$22\frac{1}{80}$ th of average emoluments		5,940
45	$22\frac{1}{2}$ /80th of average emoluments		6,075

Completed six-monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in rupees per annum)
		Rs
46	23/80th of average emoluments	6,210
47	23½/80th of average emoluments	6,345
48	24/80th of average emoluments	6,480
49	24½/80th of average emoluments	6,615
50	25/80th of average emoluments	6,750
51	25½/80th of average emoluments	6,885
52	26/80th of average emoluments	7,020
53	26½/80th of average emoluments	7,155
54	27/80th of average emoluments	7,290
55	27½/80th of average emoluments	7,425
56	28/80th of average emoluments	7,560
57	28½/80th of average emoluments	7,695
58	29/80th of average emoluments	7,830
59	29½/80th of average emoluments	7,965
60	30/80th of average emoluments	8,100

B—Death-cum-Retirement Gratuity

“6.16-A. (1) An officer who has become eligible for pension or gratuity under the rules applicable to him and has completed five years’ qualifying service, may, on his retirement from service, be granted an additional gratuity not exceeding the amount specified in sub-rule (3).

(2) (a) If an officer, who has completed five years’ qualifying service, dies while in service, a gratuity, not exceeding the amount specified in sub-rule (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under rule 6.16-B or if there is no such person, it shall be paid in equal shares to those surviving members of a Government servant’s family as detailed in rule 6.16-B who belongs to categories (i) to (iv) mentioned therein except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughters and/or one or more members of the family of the Government servant who belongs to categories (v) to (ix) mentioned, in rule 6.16-B, the gratuity may be paid to all such persons in equal shares. In cases where the qualifying service is less than the prescribed minimum (viz., 5 years) the deficiency should not be condoned.

(b) The family of a permanent pensionable employee who dies on or after 7th June, 1961, before completing five years’ qualifying service will also be eligible for a gratuity equal to six months’ the emoluments of a Government servant at the time of his death except in cases in which death occurs in the first year of service where the gratuity admissible will be equal to two months’ emoluments.

(3) In respect of officers retiring on or after the 5th January, 1961, the amount of gratuity will be one-fourth of the ‘emoluments’ of the officer for each completed six monthly period of qualifying service subject to a maximum of 15 times the ‘emoluments’. In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the ‘emoluments’ of the officer at the time of his death; provided that in no case shall it exceed Rs 24,000.

(4) If an officer who has become eligible for pension or gratuity under the rules applicable to him, dies after he has retired from service, and the sum actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times his ‘emoluments’ a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2).

Note 1.—The residuary gratuity mentioned in sub-rule (4) is admissible only if the death of the Government servant takes place within five years from the date of his retirement.

Note 2.—The words ‘sums actually received’ under this rule will also include the amount of temporary increase in pension for determining the amount of residuary gratuity payable to the nominee or legal heirs of the deceased Government servant.

(5) The ‘emoluments’ for the purpose of this Section, will be subject to a maximum of Rs 1,800 per mensem. In the case of Government servants retiring on or after 5th January, 1961, the ‘emoluments’ will be reckoned in accordance with rule 6.19-A of this Volume; provided that if the ‘emoluments’ of an officer have been reduced during the last 3 years of his service, otherwise than as a penalty, ‘average emoluments’, as defined in rule 6.24 of this Volume may, at the discretion of the authority which has power to sanction the gratuity under this section, be treated as “emoluments”.

Note.—In the case of an officer who during leave preparatory to retirement on full or average pay or during leave on average pay not exceeding four months or earned leave not exceeding 120 days or the first four months of any period of leave on average pay exceeding four months, or the first 120 days of earned leave exceeding 120 days earns an increment, which is not withheld, the officer is entitled to count the pay which he would have drawn had he remained on duty as 'emoluments' for the purpose of death-cum-retirement gratuity under sub-rule (5), even though the increase in pay is not actually drawn during leave.

Recoveries from gratuities or pension.—Government will have the right to effect recoveries from a gratuity sanctioned under this rule, in the same circumstances as recoveries can be effected from an ordinary pension under rule 2.2(b). This will also apply in the case of officers who entered service before the 31st July, 1939 and who did not exercise the option referred to in clauses (b) and (c) of rule 1.2-B.

Dismissal or removal for misconduct, insolvency or inefficiency.—No gratuity may be granted under this rule, if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under this rule in accordance with rule 2.5.

General.—A gratuity shall be sanctioned under this rule after giving due regard to the provisions of rule 6.4. The existing rules, which apply to the grant of an ordinary pension, will also apply in respect of a gratuity that may be sanctioned under this rule in so far as such rules are not inconsistent with the provisions of rule 6.16-A and 6.16-B.

6.16-B. (1) For the purpose of this rule :—

(a) "family" shall include the following relatives of the officer—

- (i) wife, in the case of male officer,
- (ii) husband, in the case of a female officer ;
- (iii) sons ;
- (iv) unmarried and widowed daughters ; } (including step-children and adopted children).
- (v) brothers below the age of 18 years and unmarried and widowed sisters, including step-brothers and sisters ;
- (vi) father ; } including adoptive parents in case of individuals whose personal law permits adoption.
- (vii) mother ;
- (viii) married daughters ; and
- (ix) children of a predeceased son.

(b) "persons" for the purpose of this rule shall include any company or association or body of individuals, whether incorporated or not.

(2) An officer shall, at any time after confirmation, make a nomination, conferring on one or more persons, the right to receive any gratuity that may be sanctioned under sub-rules (2) and (4) of rule 6.16-A and any gratuity which having become admissible to him under sub-rule (1) of that rule and rule 6.16 has not been paid to him before death :

Provided that if, at the time of making the nomination, the officer has a family, the nomination shall not be in favour of any person or persons other than members of his family.

(3) If an officer nominates more than one person under sub-rule (2), he shall specify in the nomination the amount or share payable to each of the nominees, in such manner as to cover the whole amount of the gratuity.

(4) An officer may provide in a nomination—

- (a) in respect of any specified nominee, that in the event of his predeceasing the officer the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination ; provided that if at the time of making the nomination the officer has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family ;
- (b) that the nomination shall become invalid in the event of the happening of the contingency specified therein.

(5) The nomination made by an officer who has no family at the time of making it, or a provision made in nomination under clause (a) of sub-rule (4) by an officer whose family consists, at the date of making the nomination, of only one member, shall become invalid in the event of the officer subsequently acquiring a family, or an additional member in the family, as the case may be.

(6) (a) Every nomination shall be in such one of the forms Pen-1-C to Pen-1-F as may be appropriate in the circumstances of the case.

Note.—The forms provide for only one alternate nominee and it is not open to a Government servant to nominate more than one alternate nominee against any original nominee.

(b) An officer may at any time cancel a nomination, by sending a notice in writing to the appropriate authority ; provided that the officer shall, along with such notice, send a fresh nomination made in accordance with this rule.

(7) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (4), or on the occurrence of any event, by reason of which the nomination

becomes invalid, in pursuance of clause (b) of that sub-rule or sub-rule (5), the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this rule.

(8) Every nomination made, and every notice of cancellation given, by an officer under this rule, shall be sent by him to the Accountant-General, Punjab, in the case of a gazetted officer, and to the Head of his office in the case of non-gazetted officer. Immediately on receipt of a nomination from a non-gazetted officer, the Head of the office shall countersign it, indicating the date of receipt, and keep it in safe custody.

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-rule (8).

Note.—While a nomination as also any change therein will normally be made by an officer during his service, he may be allowed to make a fresh nomination after retirement if such a contingency arises.

C.—Death retirement/terminal benefits for temporary Government servants

6.16.C. The following benefits are permissible with effect from the 7th June, 1961, in respect of temporary Government servants :—

(1) **Terminal Gratuity.**—A temporary Government servant who retires on superannuation or is discharged on account of retrenchment or is declared invalid for further service, will be eligible for a gratuity at the rate of 1/3rd of a month's pay for each completed year of service ; provided he has completed not less than five years continuous service at the time of retirement/discharge/invalidment.

(2) **Death Gratuity.**—The family of a temporary Government servant who dies while in service, will be eligible for a death gratuity on the scale and subject to the conditions specified below :—

- (a) On death after completion of one year's service but before completion of three years' service, a gratuity equal to one month's pay
- (b) On death after completion of three years' service but before completion of five years' service, a gratuity equal to two months' pay.
- (c) On death after completion of five years' service or more, a gratuity equal to three months' pay or the amount of the terminal gratuity mentioned in clause (1) if it is greater.

Note.—'Pay' for the purpose of determining the amount of terminal death gratuity under this rule will mean only basic pay, and also dearness pay at the time of relinquishing service or of death, as the case may be. It will not include special pay, personal pay, and other emoluments classed as 'pay'. In case the person concerned was on leave with or without allowances immediately before retirement/discharge/invalidment/death, pay for this purpose will be the pay which he drew before proceeding on such leave ; provided that the benefit of increase in pay not actually drawn due to increment or promotion to a post carrying a higher rate of pay falling during leave not exceeding 120 days of earned leave or the first 120 days of such earned leave exceeding 120 days only will also be taken into account.

"Government service" means temporary service under the Government of Punjab and includes temporary service rendered in erstwhile Pepsu before its merger with Punjab.

"Temporary service" means officiating and substantive service in a temporary post and officiating service in a permanent post under the Government of Punjab and such service rendered in erstwhile Pepsu before its merger with Punjab.

(3) **General.**—The grant of gratuity under this rule will be subject to the service rendered by the Government servant concerned being held by the authority competent to appoint him to be approved and satisfactory. No gratuity will be admissible :—

- (a) in a case where the employee concerned resigns his post or is removed or dismissed from public service ;
- (b) to a probationer or other Government servant discharged for failure to pass the prescribed test or examination ;
- (c) to a re-employed pensioner.

Note.—The gratuity under this rule will be payable to the family of a deceased Government servant in the order of preference given below :—

- (1) Eldest surviving widow in the case of a male officer or official,
- (2) Husband in the case of a female officer or official,
- (3) Eldest surviving son,
- (4) Eldest surviving unmarried daughter,
- (5) Eldest widowed daughter,
- (6) Father,

- (7) Mother,
- (8) Eldest surviving brother below the age of 18 years;
- (9) Eldest surviving unmarried sister,
- (10) Eldest surviving widowed sister.

D. Family Pensions

6.16-D. (1) A family pension not exceeding the amount specified in sub-rule (2) may be granted to the family of an officer who dies, whether while still in service or after retirement, after completion of not less than 20 years' qualifying service, for a period of 10 years ;

Provided that the period of payment of family pension will in no case extend beyond a period of five year from the date on which the deceased officer retired or on which he would have retired on a superannuation pension in the normal course, according as the death takes place after retirement or while the officer is in service. In case where the qualifying service is less than the prescribed minimum (viz. 20 years), the deficiency should not be condoned.

Note.—(1) In the case of an officer who dies while on extension of service the expression "date on which he would have retired on superannuation pension in the normal course", in the aforesaid proviso shall mean the date up to which extension of service had been sanctioned to him before his death.

(2) The amount of family pension will be —

(a) In the event of death while in service, one half of the superannuation pension which would be admissible to the officer had he retired on the date following the date of his death.

"Superannuation pension" for the purpose of option (c) mentioned in rule 1.2-B will be the amount of pension calculated under the existing rules, applicable to him before the 10th June, 1951, reduced by the "Pension equivalent" of the sum of gratuity admissible under rule 6.16-A. The "pension equivalent" will be determined on the basis of the commutation table applicable to the Government servant at the time of retirement ; and

(b) In the event of death after retirement, half the pension sanctioned for him at the time of retirement.

Provided that the amount of family pension will be subject to a maximum of Rs 150 per mensem and a minimum of Rs 30 per mensem subject to the further condition that the minimum pension will not in any case exceed the full amount of the pension sanctioned to the deceased Government servant at the time of his retirement or in case he dies while in service, the pension that would have been admissible to him if he had retired on superannuation pension on the date following the date of his death. In cases where an officer mentioned in clause (b) had commuted a part of his pension before his death the uncommuted value of the part of pension will be deducted from the family pension calculated as above. For this purpose, the amount of family pension should first be calculated ignoring the fact that the officer has commuted a portion of his ordinary pension, and from the amount so arrived at the amount of pension commuted should be deducted.

Illustration.—For example, if the ordinary pension was Rs 390 per mensem and the officer had commuted Rs 130 out of this, the family pension would be Rs 390/2 restricted to Rs 150—130 i.e., Rs 20 per mensem.

Explanation.—For purposes of this rule the expression "Family" shall have the same meaning as has been assigned to it in clause (a) of sub-rule (1) of rule 6.16-B except the relatives of the officer mentioned in sub-clause (viii) and (ix) of that sub-rule.

(3) No pension will be payable under this rule—

- (a) to a person mentioned in sub-clause (b) of sub-rule (4) without production of reasonable proof that such person was dependent on the deceased officer for support ;
- (b) to an unmarried woman member of an officer's family, in the event of her marriage ;
- (c) to a widowed woman member of an officer's family, in the event of her remarriage ;
- (d) to a brother of an officer on his attaining the age of 18 years ;
- (e) to a person who is not a member of an officer's family.

(4) Except as may be provided by a nomination under sub-rule (5)—

(a) a pension sanctioned under this rule will be allowed—

- (i) to the eldest surviving widow, if the deceased is male officer, or to the husband, if the deceased is a female officer ;
- (ii) failing a widow or husband, as the case may be, to the eldest surviving son ;
- (iii) failing (i) and (ii), to the eldest surviving unmarried daughter ;
- (iv) these failing, to the eldest widowed daughter, and

(b) in the event of no pension becoming payable under clause (a), the pension may be granted,—

- (i) to the father ;
- (ii) failing the father, to the mother ;
- (iii) failing the father and the mother, to the eldest surviving brother below the age of 18 years ;
- (iv) these failing, to the eldest surviving unmarried sister ;
- (v) failing (i), (ii), (iii) and (iv) to the eldest surviving widowed sister.

Note.—The expression “eldest surviving widow” occurring in clause (a) (i) above should be construed with reference to the seniority according to the date of marriage with the officer and not with reference to the age of the surviving widows.

(5) Permanent Government servants may, at any time after their confirmation in Government service, make a nomination in Form Pen I-E, indicating the order in which a pension sanctioned under this Section should be paid to the members of his family, and, to the extent that it is valid, the pension shall be payable in accordance with such nomination ; provided the persons concerned are eligible, on the date from which the pension may fall due, to receive the pension under provisions of sub-rule (3). In case the person concerned does not satisfy the requirements of the sub-rule (3), the pension shall be granted to the person rightly entitled next lower in the order. The provisions of sub-rules (6)(b), (8) and (9) of Rule 6.16-B shall apply in respect of nominations under this sub-rule.

(6) (a) Pension awarded under this rule will not be payable to more than one member of an officer's family at the same time.

(b) If a pension awarded under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (1) on account of death or marriage of the recipient or other causes, it will be re-granted to the persons next lower in the order mentioned in sub-rule (4) or to the person next lower in the order shown in the nomination made under sub-rule (5), as the case may be, who satisfies the other provisions of this rule.

(7) A pension sanctioned under this rule will be tenable, in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of an officer's family under the existing rules or Acts.

(8) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this rule. Government reserve to themselves the right of withholding or withdrawing such a pension, or any part of it, if the recipient be convicted of serious crime or be guilty of grave misconduct. Government decision in such matters will be final.

(9) In cases where Government servants die after completing less than 20 years' qualifying service but not less than 10 years' qualifying service, the pension sanctioning authority will also be prepared to consider, in exceptional circumstances, the award of family pension to the families of such officers.

(10) Government will have the right to effect recoveries from a pension sanctioned under this rule in the same circumstances as recoveries can be effected from an ordinary pension under rule 2.2(b). This will apply also in the case of officers who entered service before the 31st July, 1939 and who do not exercise the option referred to in clauses (b) and (c) under rule 1.2-B.

(11) No pension may be granted under this rule if the officer was dismissed or removed from service for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under this rule, in accordance with rule 2.5.

(12) A pension shall be sanctioned under this rule, after giving due regard to the provisions of rule 6.4. The Old Pension Rules, which apply to the grant of an ordinary pension, will also apply in respect of a pension that may be sanctioned under this rule in so far as such rules are not inconsistent with the provisions of these orders.

24. In the said rules, in rule 6.24 :—

(a) for sub-rule (2) and note thereunder, the following shall be substituted, namely :—

“(2) If during the last three years of his service a Government servant retiring on or after 5th January, 1961, has been absent from duty on leave with leave salary, or having been suspended, has been re-instated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended ; provided always that, except as provided in Note 2, his pension must not be increased on account of increase in pay not actually drawn.

Note 1.—In the case of a Government servant who takes leave during the last three years of his service and who during the currency of the leave preparatory to retirement on full or average pay or during leave on average pay not exceeding four months or earned leave not exceeding 120 days or the first four months of any period of leave on average pay exceeding four months; or the first 120 days of earned leave exceeding 120 days earns an increment which is not withheld, the officer is entitled to count the pay which he would have drawn had he remained on duty, as ‘emoluments’ for the purpose of this sub-section, even though the increase in pay due to promotion or increment is not actually drawn during leave.

Note 2.—In the case of a Government servant who, while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of average emoluments ; and ”

(2) In sub-rule (4), for the words and figures “rules 4.3 to 4.5,” the word and figures “rule 4.3” shall be substituted.

(3) In sub-rule 5, for the second sub-paragraph, the following shall be substituted and shall be deemed to have been substituted with effect from the 6th February, 1963, namely :—

“In cases of joining time falling under clauses (a) and (b) of rule 9.15 of Volume I of these rules, where the pay of a particular post is drawn, the actual ‘emoluments’ (not the actual joining time allowance) drawn should be taken for the purpose of average emoluments. In cases of joining time falling under clause (b) of the said rule, the emoluments for calculation of average emoluments should be taken at what they would have been had the Government servant not been on joining time”.

25. In the said rules, rules 6.24-A and 6.24-B shall be omitted and deemed to have been omitted with effect from the 5th January, 1962.

26. In the said rules, in rule 7.18,—

(i) Note 4 shall be relettered as paragraph (a) of that Note and after paragraph (a) as so relettered, the following paragraph shall be added, namely :—

“(b) In fixing the pay in accordance with the above principle, the “pension equivalent” of the death-cum-retirement gratuity should always be taken into account, in cases of retired Government servants who before re-employment were governed by the New Pension Rules or had opted for the modified pension rules, —*vide* alternative (c) under rule 1.2-B. The pension equivalent of the death-cum-retirement gratuity will be determined on the basis of the commutation table applicable to the Government servant at the time of retirement.”

(ii) for Note 5, the following shall be substituted, namely :—

‘*Note 5.*—It is permissible to allow commutation of a portion of pension, within admissible limits, even when the pension is held wholly in abeyance and even if, in cases where it is held partly in abeyance, the amount of pension desired to be commuted exceeds the amount of pension actually drawn. If a pensioner, whose pension is held wholly in abeyance, commutes his pension, his pay during re-employment will be reduced from the date the commutation becomes effective, by the amount of pension commuted. If, however, the commutation is in respect of a pension partly held in abeyance, that portion of the pension which is actually drawn during re-employment, will first be set off against commutation and if the pension drawn is not sufficient to cover the amount to be commuted, the difference will be set off against the portion held in abeyance, a corresponding reduction being made in the pay during re-employment with effect from the date the commutation becomes effective.”

27. In the said rules, in rule 9.8, after clause (d), the following clause shall be inserted, namely :—

“(dd) On receipt of an application in form Pen-1B for death-cum-retirement gratuity/residuary gratuity and in Form Pen 1-A for family pension, the Head of office or Department as the case may be, will draw up a statement of services of the deceased officer in the second page of Form Pen I. The statement of services along with the orders of the Pension sanctioning authority (in Form given as Annexure I and II) on the application together with other relevant documents will be forwarded to the Audit Officer. After due verification, the Audit Officer will authorise the payment of the amount of death-cum-retirement gratuity/residuary gratuity and issue the family pension payment order on the authority of the order recorded by the pension sanctioning authority.”

28. In the said rules, after rule 9.21, the following new rules shall be added, namely :—

“Special Provision relating to New Pension Rules

9.22. *Anticipatory Payments.*—When a Government servant whose death-cum-retirement gratuity is payable in India is likely to retire before the amount of the gratuity can be finally assessed and settled in accordance with the procedure mentioned above, the Accountant-General may sanction the disbursement of not more than three-fourths of the amount of gratuity to which, after most careful summary investigation that he can make without delay, he believes the Government servant to be entitled on the basis of his continuous temporary and permanent service. In the event of death of the Government servant similar payments of gratuity may also be authorised in the appropriate proportion to the nominees or in the case of no nomination to the member or members of his family in accordance with the relevant orders issued by the competent authority from time to time, as the case may be.

Note.—Anticipatory family pension may be paid only when the Accountant-General is satisfied that qualifying service, as verified up to the date of sanction to such person, is not less than 25 years and the amount of such pension does not exceed three-fourths of the amount admissible on the basis of service verified up to the date of pension.

Note 2.—The procedure laid down in rule 9.8(c) in regard to forwarding the applications to the Accountant-General after the consideration shall apply *mutatis mutandis* in cases covered by this rule.

9.23. *Family Pension*.—The procedure laid down in rule 9.8(c) in regard to forwarding the applications to the Accountant-General, after consideration, shall apply *mutatis mutandis* to cases covered by this rule.

9.24. *Procedure of declarations and nominations*.—Declarations (Option to pre-1951 entrants) :—

- (1) The Declarations of the non-gazetted and officiating or temporary gazetted officers, if found in order, should be entered in a register in the following form :—

FORM OF REGISTER

Register of Declaration of election in Pension Rules in respect of pre-1951 officers

1. Serial No. _____
2. Name of officer _____
3. Designation _____
4. Reference to option, whether under clause (b) or (c) of Rule 1.2-B of these rules _____
5. Date of declaration of option _____
6. Reference to letter No. with which received _____
7. Dated, Signatures of Superintendent or Head Clerk _____
8. Dated Signature of Gazetted Officer _____
9. REMARKS _____

- (2) As soon as a declaration has been examined and found in order, an acknowledgement should be sent to the officer from whom the declaration has been received.

- (3) In addition to the declaration of election by the non-gazetted officers being posted in the Service Books, the Heads of Offices should submit to the office of the Accountant-General a certified list in the following form in respect of all non-gazetted officers who have opted to elect under clause (b) or (c) of sub-rule (2) of rule 1.2-B of these rules :—

Name of Government servant	Designation of officer	Date on which declaration of option is signed	Pensionable post on which a lien or a suspended lien was held on the 9th June, 1951	Elected to come under clause (b) or (c) of rule 1.2-B of the New Pension Rules, 1951	REMARKS
1	2	3	4	5	6

Certified that the entries in the above list are correct and declarations have been countersigned and pasted in the Service Books.

Signature and Designation of the Head of Office.

NOMINATIONS

- (4) Under rule 6.16-B(2) an officer, shall at any time after confirmation, make a nomination conferring on one or more persons the right to receive any gratuity and under rule 6.16-D (5) an officer completing 20 years' qualifying service shall make a nomination in Form Pen. 1-B indicating the order in which the pension should be payable to the members of his family in the event of Government servants'/pensioner's death.

- (5) The declaration, nominations, etc., of permanent gazetted officers should be sent to the Accountant-General.
- (6) The nominations of non-gazetted or officiating gazetted officers should be countersigned by the Head of office and kept in his safe custody with a covering list giving distinguishing numbers. These should not be pasted in the Service Books. When a revised nomination is received, the superseded one should be cancelled and returned to the officer concerned.
- (7) An acknowledgement in respect of the nomination or cancellation thereof should invariably be furnished to the officer concerned.
- (8) Nomination forms and other correspondence connected therewith including acknowledgements should be treated as confidential.
- (9) When an officer is permanently transferred to another office, the nomination papers should be sent in a registered cover to the new Head of Office or Accountant-General and his acknowledgement obtained.
- (10) The nominations should be sent to the Accountant-General, alongwith pension papers and will be returned to the Departmental Officer after the pension is authorised.
- (11) An alphabetical index register should be maintained by the Head of Office in which the names of all non-gazetted and officiating gazetted officers will be entered. Each Officer will be allotted a number, which will be noted on the nomination pertaining to the officer.
- (12) Whenever a new officer is transferred nomination should be obtained from him or his previous Head or Office.
- (13) The serial number allotted to each nomination will be marked with a circle on the nomination form.
- (14) The 'Receipt and Issue of Nominations' will be maintained in a register in the following form :—

Serial No.	Date of nomination	Officer's name	Initials of gazetted officer in token of acceptance and receipt	Removal of nomination			Gazetted officers' initials of final disposal	REMARKS
				By	Date	Purpose		
1	2	3	4	5	6	7	8	9

The register should be maintained separately for the nominations under rules 6.16-B (2) and 6.16-D(6) respectively.

(15) When a fresh nomination is received, the Head Clerk or the Superintendent will scrutinise it with reference to the rules and pass on the acknowledgement and the nomination for final acceptance by the gazetted officer-in-charge. The gazetted officer after giving a note of acceptance on nomination will allot a serial number thereto and mark the same on the nomination and the acknowledgement letter. The gazetted officer will fill in columns 1 to 4 of the respective register of 'Receipt and Issue' and file the nomination in the proper order in the relevant file.

(16) The nominations should be removed from the gazetted officer's custody in the following cases :—

- (1) for submission to the Accountant-General, alongwith pension papers ;
- (2) for forwarding the nomination to another office in connection with the transfer of the officer ;
- (3) for cancellation of the existing nomination on the receipt of a revised nomination ;
- (4) for furnishing particulars to the officer, if and when required about contents, etc., of the nomination.

(17) When a nomination is required in connection with items (1) and (2) in clause (16) above, the Head Clerk or Superintendent concerned should come to the gazetted officer with a note of the serial number and on removal of the required nomination from the file will fill in columns 5 to 7 of the respective Stock Register in the presence of the gazetted officer.

When such a nomination is put up to the gazetted officer for final disposal the gazetted officer will fill in column 8 of the Stock Register. Until submission to the gazetted officer for final action the responsibility for the preservation of the nomination will rest with the persons who removed it as per column 5 of the register.

(18) A nomination required for action as in items (1) and (2) in clause (16) above, which cannot be disposed of promptly for one reason or the other, should not be removed from gazetted officer's custody, or if removed should be returned to him after making a suitable note in column 9 of the register. For this purpose, the gazetted officer will also review the register of "Receipt and Issue of Nominations" fortnightly.

(19) In no circumstances should the nominations be removed from gazetted officer's custody in respect of items (3) and (4) mentioned in clause (16) above. In the former case, the revised nominations duly checked and with a note of the original serial number as per Stock Register of nominations given thereon should be put up to the gazetted officer with the acknowledgement and the relevant record. The gazetted officer on receipt of the revised nomination will replace the old nominations with the revised one and the date of receipt of revised nomination will be noted by him in column 9 of the register. The revised nomination should bear a note of acceptance by the gazetted officer and also remark to the effect "The Old 'N' dated _____ cancelled and returned to the Officer". Similarly, the old nomination should bear a note "cancelled,—vide revised 'N' dated _____ received". In the acknowledgement of the revised nomination a note should in all cases be inserted stating "your old 'N' dated _____ is returned herewith duly cancelled". The serial number originally given to any nomination will hold good in the case of one or more revised nominations relating to the officer concerned.

(20) (i) A complete verification of all nominations should be done once in three years by a gazetted officer and a certificate of verification recorded in the Stock Register.

(ii) On completion of the verification, a list of missing nominations, if any, should be made out and immediate steps taken to obtain fresh nominations from the officers concerned.

(iii) A part from the check, referred to in sub-clause (i) above, gazetted officer should conduct in intelligent test-check periodically, e.g., he might see if the serial numbers missing from the file have all been cancelled.

(iv) When a change in the gazetted officer-in-charge occurs, a certificate of handing and taking over of the nominations should be signed in the Stock Registers by the relieved and the relieving officer.

(v) The Register of "Receipt and Issue of Nominations" will at all times remain in the custody of the gazetted officer and will, like nominations, be treated as confidential record".

29.— In the said rules, in rules' 10.6 and 10.6-C, the words "and a note 8 under rule 8.49 of Volume I" wherever occurring shall be omitted.

30. In the said rules, after rule 10.6-D, the following shall be added, namely :—

"10.6-E. The minimum rate of 1s.9d. shall also apply to the ordinary pension of non-Indian Pensioners who rendered service before the 10th September, 1949, and who at the time of retirement are governed by New Pension Rules. This minimum rate is, however, not admissible in respect of the family pension".

31. In the said rules, in rule 10.7, the following shall be added at the end, namely :—

"The minimum rate is, however, not admissible in respect of death-cum-retirement gratuity under the New Pension Rules".

32. In the said rules, in rule 11.1, in clause (b), for the words "by clause (a) or clause (c) of sub-rule (1) of rule 9 of the New Pension Rules (reproduced in Appendix 2 to these rules", the words "by the New Pension Rules or who has opted for modified Pension Rules—vide alternative (c) under Rule 1.2-B)" shall be substituted.

33. In the said rules, rule 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.19, 3.20, 3.21, 3.22, 3.24, 3.25, 4.24, 5.16, 5.29, Note below rule 6.6, rules 6.17, 6.18, 6.19, 6.20 and 6.21 and Appendices 1 and 2 shall be omitted.

34. In the said rules, after Form Pen 1, the following forms shall be inserted, namely :—

"FORM PEN. 1A

Application for a Family Pension for the family of Shri _____ late a _____
in the OFFICE/DEPARTMENT of _____

(1) Name of the applicant _____

(2) Relationship to the deceased Government servant/pensioner _____

(3) Date of retirement if the deceased was a pensioner _____

(4) Date of death of the Government servant/pensioner _____

(5) The order in which the applicant's name appears in the nomination Form 'E' _____

(6) Names and ages of surviving kindred of the deceased _____

Name _____ Date of birth _____
(By Christian era)

(a) Widows/Husband

Sons

Unmarried daughters

Widowed daughters

(b) Father ..
 Mother ..
 Brothers ..
 Unmarried sisters ..
 Widowed sisters ..

7. Name of Treasury/Sub-Treasury at which payment is desired ..

8. Descriptive roll of _____ widow/sons/daughters etc.
 of late _____

(i) Date of birth (by Christian era) _____

(ii) Height ..

(iii) Personal marks, if any, on the hand, face, etc.

(iv) Signature or left hand thumb and finger impressions—

<i>Small-finger</i>	<i>Ring finger</i>	<i>Middle finger</i>	<i>Index finger</i>	<i>Thumb</i>
()	()	()	()	()

9. Full address of the applicant _____

Attested by :—

(1) _____

(2) _____

Witnesses :—

(1) _____

(2) _____

- Note.*—(1) The descriptive roll and signature/thumb and finger impressions accompanying application for family pension should be in duplicate and attested by two or more persons of respectability in the town, village or pargana in which the applicant resides.
- (2) If the applicant belongs to a category mentioned in item 6 (b) he should furnish proof of his dependence on the deceased Government servant/pensioner for support.
- (3) If the applicant is a minor brother of the Government servant/pensioner, the statement against item 8 (i) should be supported by a certificate of age (in original with two attested copies) showing the date of birth of the applicant. The original will be returned to the applicant after the necessary verification.

FORM PEN. IB

Application for the grant of death-cum-retirement gratuity/residuary gratuity to the family of Shri/Shrimati _____ late _____ in the Office/Department of _____.

- Name of applicant
- Relationship to deceased Government servant/pensioner
- Date of birth
- Date of retirement if the deceased was a pensioner
- Date of death of the Government servant/pensioner
- Name of the Treasury/Sub-Treasury at which payment is desired
- Full address of the applicant
- Signature or thumb-impression of the applicant
- *Attested by—
 -
 -

*Attestation should be done by two or more persons of responsibility in the town, village or pargana in which the applicant resides.

10. Witness—

Name

Full address

Signature

(i)

(ii)

FORM PEN. 1C

Nomination for Death-cum-Retirement Gratuity. (When the officer has a family and wishes to nominate one member thereof.)

I hereby nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent, specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and address of nominee	Relationship with officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer

Dated this _____ day of _____ 19 _____ at _____

Witnesses to Signature—

1.

2.

Signature of Officer.

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by _____

Designation _____

Office _____

Signature of Head of Office _____

Dated _____

Designation _____

FORM PEN. 1D.

Nomination for Death-cum-retirement Gratuity (When the officer has a family and wishes to nominate more than one member thereof.)

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government in the event

of my death while in service and the right to receive on my death, to the extent, specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and address of nominee	Relationship with officer	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer
-----------------------------	---------------------------	-----	----------------------------------------------	-----------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

N.B.—The officer should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this_____day of_____19_____at_____.

Witnesses to signature—Signature of Officer.

1.

2.

*Note.—This column should be filled in so as to cover the whole amount of gratuity.

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by _____

Designation_____

Office_____

Signature of Head of Office_____

Dated _____

Designation _____

FORM PEN. IE

Nomination for Death-cum-Retirement Gratuity (When the officer has no family and wishes to nominate one person).

I having no family, hereby nominate the person mentioned below, and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent, specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and address of nominee	Relationship with officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer
-----------------------------	---------------------------	-----	-----------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

Dated this_____day of_____19_____at_____

Witnesses to signature—
1.
2.

Signature of Officer

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by

Designation

Office

Signature of Head of Office

Dated

Designation

FORM PEN I F

Nomination for Death-cum-Retirement Gratuity

(When the officer has no family and wishes to nominate more than one person.)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent, specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and address of nominee	Relationship with officer	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer—

Note.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this day of 19 at

Signature of Officer.

Witnesses to signature—
1.
2.

*Note.—This column should be filled in so as to cover the whole amount of gratuity.

(To be filled in by the Head of Office in the case of a non-gazetted officer)

Nomination by

Designation

Office

Signature of Head of Office

Dated

Designation

FORM PEN. 1 G

Nomination for Family Pension

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the Family Pension which may be granted by Government in the event of my death after completion of 10 years' qualifying service :—

Name and address of nominee	Relationship with officer	Age	Whether married or unmarried

N.B.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this _____ day of _____ 19
at _____

Witnesses to signature—

Signature of Officer.

1.

2.

(To be filled in by the Head of Office in the case of a non-gazetted officer)

Nomination by _____

Designation _____

Office _____

Signature of Head of Office _____

Dated _____

Designation _____

B. S. MANCHANDA,

Commissioner for Planning and Finance
and Secretary to Government, Haryana,
Finance Department.

LABOUR DEPARTMENT

The 13th March, 1968

No. 683-3Lab-68/6577.—Whereas M/s Biological Products Section, Hissar, have requested for the grant of exemption from all the provisions of the Factories Act, 1948 (Act No. 63 of 1948);

And whereas the President of India is satisfied that the provisions of the scheme submitted by persons having control on the institution of M/s • Biological Products Section, Hissar, for regulation of hours of employment, intervals for meals and holidays of the persons employed in or attending the said institution or who are inmates thereof, are not less favourable than the corresponding provisions of the aforesaid Act;

Now, therefore, in exercise of powers conferred by section 86 of the Factories Act, 1948 (Act No. 63 of 1948) the President of India is pleased to exempt the institution of M/s Biological Products Section, Hissar, from the provisions of all the sections except sections 6 and 7 of the said Act, for the period from the 22nd April, 1967 to the 21st December, 1968.

The 16th March, 1968

No. 2245-3Lab-68/7002.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s The Karnal Co-operative Transport Society, Ltd., Karnal,

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

REFERENCE No. 54 OF 1967.
between

The Workmen and the Management of M/s The Karnal Co-operative Transport Society Ltd., Karnal.

Present.—

Shri M.L. Saini, for the management.

Shri Madan Lal, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the Management of M/s. The Karnal Co-operative Transport Society Ltd., Karnal, the same was referred for adjudication to this tribunal under sub-section 2 of Section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government Notification No. 240-SF-III-67/17847, dated 21st June, 1967. The two items of dispute which are mentioned in the said notification are as under :—

1. Whether the dismissal of the following workers is justified and in order ? If not, what amount and exact compensation/relief they are entitled to :—

1. Shri Pritam Singh.
2. Shri Sobh Raj; and
3. Shri Gurmukh Singh.

2. Whether the retrenchment/termination of the following workmen is justified and in order ? If not, what amount of compensation/relief they are entitled to :—

1. Shri Satnam Singh.
2. Shri Santosh Kumar.

On receipt of the reference in this tribunal usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise to two issues only which are precisely the same as the two items of dispute mentioned above. The said two issues were framed on 21st July, 1967 and parties were called upon to lead their evidence in respect of the same. The evidence was led by the parties on various dates and after the conclusion of the same their representatives also addressed their arguments to me.

Before I record my findings on the various issues it is necessary to give a brief history of the transport society to which the dispute relates. M/s The Karnal Co-operative Transport Society Ltd., Karnal, was originally registered under the Co-operative Societies Act as one society. It had framed its bye-laws EXhibit R. 9 and worked under the said bye-laws read with the provisions of the Co-operative Societies Act. By means of a resolution copy of which is A-10 the Executive Committee of the above mentioned society decided on 14th August, 1965 to bifurcate the society into three groups which were called Group-A; Group-B and Group-C. A leader and a deputy leader of each of the groups were named in this resolution and it was decided that they would give the names of the share-holders of their respective groups in a meeting to be held a few days later. On 6th December, 1965, a general meeting of the aforesaid society was convened and a resolution was passed at the said meeting bifurcating the society into three parts with specific names of the share-holders of each of them and a copy of this resolution is Exhibit A.12. This resolution gives the details of the various components of the original society and also mentions the names of share-holders of each of the groups formed as a result of the bifurcation of the society. It further gives the details of the assets and liabilities falling to the share of each of the groups. Shri Baij Nath who was the General Manager of the original society has appeared as a witness for the workmen and his statement has been recorded as AW-6. He has stated :

"I remained general manager of the Karnal Co-operative Transport Society Ltd., Karnal till 19th May, 1966 i.e. date when the separate registration of the societies was made. I did not remain the general manager of the Karnal Co-operative Transport Society Ltd., Karnal after 19th May, 1966 but for the purpose of winding up of its affairs I used to sign some papers as such. Letter A. 9 bears my signatures as the General Manager of the Karnal Co-operative Transport Society Ltd., Karnal.

..... Sardar Amarjit Singh was appointed as Manager on 27th December, 1965 by resolution No. 8 passed on that date by the Executive Committee, and a copy of the said resolution is Exhibit A.11. After the division of the society the group leaders took charge of each part and it was for them to form Executive Committees if they so liked. There has never been any general meeting of the Karnal Co-operative Transport Society Ltd., Karnal after 6th December, 1965. By this I mean that meeting of the original Karnal Co-operative Transport Society Ltd., Karnal has never been held after 6th December, 1965".

Three parts into which the original society was bifurcated were :

Group-A.—The Karnal-Delhi Co-operative Transport Society Ltd.;

Group-B.—The New Karnal Co-operative Transport Society Ltd.; and

Group-C.—The Karnal Co-operative Transport Society Ltd., Karnal.

It is clear from the above that group 'C' retained the name of the original society although it was a new part of the said society. It appears that the various workmen which were serving the original society were also allocated to the various groups. Some of them were taken over by one group, some others by the second and some others by the third. It is a common case between the parties that the 5 workmen to which the present reference relates were allocated to group 'C' and it is the said group which dismissed the three workmen mentioned in item No. 1 of the reference and retrenched two workmen mentioned in item No. 2 of the reference.

Issue No. 1.—The dismissal of the three workmen mentioned in this issue is assailed by the workmen on three specific grounds which are :—

1. that the dismissal in none of the three cases was made by any person legally authorised to make the same ;
2. that the domestic enquiries held against each of the three persons were made by persons who did not have any authority to make them, and
3. that rules of natural justice were not complied with at the said enquiries and proper opportunity was not given to the delinquents to cross-examine the witnesses produced against them or to produce their own defence.

I shall consider these points *seriatim* :—

1. It is urged on behalf of the workmen that their service conditions are laid down in the bye-laws framed by the original society and exhibited as R-9. It is further urged by them that bifurcation of the original society could not have the legal effect of changing their service conditions unilaterally. It is urged that even after the so called bifurcation the workmen remained bound by the service conditions as contained in the aforesaid bye-laws. Reliance is placed by them on clause 28 of the said bye-laws which reads as under :—

“28—The committee shall exercise all the powers of the society except those reserved for the general meeting subject to any regulations or restrictions duly laid down by the society in a general meeting or in the bye-laws and in particulars shall have the following powers and duties :—

- (i)
- (ii)
- (iii)
- (iv to xiv)
- (xv) to appoint, suspend or dismiss employees”.

The committee referred to in the aforesaid bye-laws is constituted under bye-law number 25 and it means the managing committee of the society.

It is contended on behalf of the workmen that the powers to appoint, suspend and dismiss the employees vested only in the managing committee constituted by the original society and that the dismissals in question which were never made by the said committee must be held to be totally unauthorised and void *ab initio*.

The management's case on the other hand is that after the bifurcation of the society powers of dismissal of the employees rested with the various groups in which the said society had been bifurcated. It is not denied by the management that no fresh service conditions were framed or put into operation. It is not even alleged by the management that the various groups which had been formed held any regular election of their managing committees or that they framed any separate bye-laws for each of them. On the other hand it is admitted by the management that no separate bye-laws were framed by the groups and no separate managing committees were elected by them. After giving my careful consideration to the matter I am definitely of the opinion that the dismissal in each of these cases were made by persons who had never been authorised to make the said dismissal and who according to the original service conditions had admittedly no authority to make them. The proper course for the various components of the original society was to frame their own bye-laws or service conditions or atleast to elect their own managing committees but nothing of the type was done by them. The workmen were obviously bound by the service conditions as contained in the bye-laws Exhibit R. 9 as the same had not *ipso facto* ceased to exist or be applicable to the workmen. There is no evidence that the workmen were party to their allocations to different groups and it is not denied by the management that the allocations of the workmen was a unilateral act on the part of the society and its various groups.

As soon as the proceedings of dismissals started against the three workmen named in item No. 1 of the reference each of them wrote to the society that the manager who had issued the charge-sheet had no authority to issue the same or to hold any enquiry into them or to appoint any one else to hold domestic enquiries regarding them. No satisfactory reply to the said objection could possibly be or was given to the workmen. All that the management wrote to the workmen in reply was that their objections were not tenable. Enquiry against Gurmukh Singh was held by Shri Amarjit Singh who according to the allegations of the management was the manager of the society. Shri M.L. Saini appeared before him as a representative of the management. Enquiries against the other two delinquents were held by Shri M.L. Saini and the management in those enquiries was represented by Shri Amarjit Singh manager. It is significant to note that Shri M.L. Saini was appointed as an Enquiry Officer by the same manager who later appeared before him as representing the case of the management. Shri Amarjit Singh was appointed by means of a resolution Exhibit A.11 in which it was clearly stated that his term was only upto 15th February, 1966. The management have not produced any other resolution on the record to show that the term

of office of the manager was at any time extended beyond 15th February, 1966. There is nothing on the record to show that Shri Amarjit Singh was *de-jure* manager of the society or any group of it on any date after 15th February, 1966. The enquiry held by him was much after the said date and his orders appointing Shri M.L. Saini to hold the two enquiries were also of subsequent dates. Obviously Shri Amarjit Singh could not have acted as a Manager either on the date when he held the domestic enquiry against Gurmukh Singh or on the dates when he appointed Shri M.L. Saini to hold enquiries against the other two delinquents. Enquiries in these circumstances must be held to be unauthorised and void as having been held by persons having no authority to hold the same. The dismissals were also similarly void because they were made by persons having no authority to make them.

Point No. 2 and 3.—As I have pointed above, enquiry against Gurmukh Singh was held by Shri Amarjit Singh and the management was represented in the said enquiry through Shri M.L. Saini, Labour Law Adviser to the management and the enquiries against the other two delinquents were held by the aforesaid Shri M.L. Saini and the management in both of them was represented through Shri Amarjit Singh. Shri M.L. Saini, had been appointed to hold the said enquiries by the same Shri Amarjit Singh who appeared before Shri Saini as a representative of the management. The workmen had raised objections against holding of the three enquiries by the aforesaid persons and had urged that neither Shri M.L. Saini nor Shri Amarjit Singh should be entrusted with the said enquiries because they had themselves framed the charge-sheets and everything was being done under their advice. The plea of the workmen was that both of them were in reality the prosecutors and could not dispassionately act as judges and were not in a position to make independent enquiries. These objections were turned down by the management without any justifiable cause. It may be noted that Shri M.L. Saini who conducted the enquiries has been in charge of the conduct of the present case before me on behalf of the management and during this case he had also offered himself as a witness and has given his evidence. He had admitted that both the enquiries held by him were made *ex parte*. The relevant portion of his statement is as under :—

"I did not write any letter either to Pritam Singh or to Sobh Raj to appear before me. I did not do so because they had previously written to the management and because they were bound to appear before me. I did not send copies of the enquiry proceedings to any of the workers. I sent the original proceedings to the management. I did not inform either Pritam Singh or Sobh Raj that if they did not appear before me I shall take *ex parte* proceedings against them".

He had admitted that he was a labour adviser of this society. His statement in this respect is as under :—

"I am legal adviser of this society since about the end of 1963. I was an employee of the office of the Labour Commissioner sometimes before 1960. I remained there for 10 or 11 years. According to the Department I have been dismissed. I am challenging the order of dismissal in Civil Court and the case is still pending. After Government service I became the legal secretary of the INTUC, Punjab. Since INTUC and other unions failed to pay my dues I left their service".

All the three workmen mentioned in this issue have appeared as witnesses as A.W. 8, A.W. 9, and A.W. 11. All of them have stated that the enquiries held against them were more or less a farce and that the rules of natural justice were not complied with at the said enquiries. I feel that their statements are supported to a large extent by the statement of Shri M.L. Saini. After going through the entire evidence and after taking the circumstances of the case into consideration I feel convinced that the enquiries are totally vitiated *inter alia* for the following reasons :—

1. They were made by persons who had no valid authority to make them.
2. Both Shri Amarjit Singh and Shri M.L. Saini were really in the position of prosecutors and were unable to take a dispassionate view of the matter.
3. None of the two Enquiry Officers named above had taken any step to issue notice to any of the delinquents giving intimation of the dates of the holding of the enquiries and there was no justification for any of them to make *ex parte* enquiries.
4. Circumstances of the case indicate that each of the enquiries was more or less a farce.

Another point which the workmen have pressed relates to the dismissal of Pritam Singh only. It has been urged by them that Pritam Singh was protected workman,—*vide* Exhibit R. 6 and that his dismissal could not be made except with the express permission of the Conciliation Officer before whom certain conciliation proceedings were pending on the date of the alleged dismissal of Pritam Singh. By means of Exhibit R. 6 the workmen made a request that 5 persons should be accepted as being protected workmen. Shri Rattan Singh, Vice-President of the society and Shri Roop Singh member of the Executive Committee accepted the said request by means of their note below Exhibit R. 6. It is not denied by the management that conciliation proceedings were pending on the date when Pritam Singh was dismissed. The plea of the management, however, is that the note of Shri Rattan Singh and Shri Roop Singh was improperly and collusively obtained below Exhibit R. 6. There is nothing on the record to prove this assertion of the management and I have no reason to hold that the said note was not genuine. Obviously the management required express permission of the Conciliation Officer for dismissing Pritam Singh who was a protected workman,—*vide* Section 33 of the Industrial Disputes Act, 1947. His dismissal must, therefore, be held inoperative on this ground.

Issue No. 2.—The case of the workmen is that the retrenchment of the two persons named in item No. 2 of the reference was made by persons who were not authorised to do so. The arguments in support of this plea are precisely the same as those mentioned by me while deciding point No. 1 under issue No. 1 above. It is true that the case does not strictly fall under clause 15 of bye-law No. 28 because retrenchment does not amount either to suspension or to dismissal. All the same retrenchment can only be made by a person duly authorised in this behalf. The management have utterly failed to show that the retrenchment of the two employees in question was made by any such person and the same must in the circumstances be held to be wholly unauthorised.

For the aforesaid reasons the dismissal and retrenchment of the various persons mentioned in item Nos. 1 and 2 of the reference is set-aside. The management is directed to reinstate them with continuity of and without any break in their service. They will also be paid half of their usual wages from the date of the dismissal or retrenchment of each of them to the date when each of them is re-instated. The re-instatement as also the payment of half wages will be done by the management within two months from the date of the publication of this award in the official gazette.

No order as to costs.

Dated the 24th February, 1968.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 357, dated Chandigarh, the March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

The 18th March, 1968

No. 2144-3Lab-68/7035.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Dewan Shah and Sons, Jagadhri:—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

REFERENCE No. 91 OF 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S DEWAN SHAH AND SONS,
JAGADHRI

Present : Shri R. L. Gupta, for the management.
Shri Madhusudan Saran, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Dewan Shah and Sons, Jagadhri, over the following matter, the same was referred for adjudication to this Tribunal under clause (4) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government Notification No. 428-SF-III-Lab-67/28957 dated 21st September, 1967 :—

"Whether the management be required to implement the recommendation of the Central Wage Board in the Engineering Industry for grant of interim relief? If so, from which date and with what details."

On receipt of the reference in this Tribunal, usual notices were issued to the parties and in response to the same, the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise to the following two issues which were framed by me on 12th December, 1967 :—

- (1) Whether the reference is invalid for the reasons stated by the management in the preliminary objections of their written statement?
- (2) Whether the management be required to implement the recommendation of the Central Wage Board in the Engineering Industry for grant of interim relief? If so, from which date and with what details?

The workmen agreed to lead their evidence in respect of the same but no evidence has been led by any of them. It is pointed out by the representative of the workmen that the recommendations of the Central Wage Board by which the management is not binding on the parties and in view of this I am wholly unable to give any relief to the workmen in respect of the said recommendations. The proper course for the workmen would have been to make a demand for an increase in wages and ask for a reference on the said point. In the present reference I cannot decide the matter of increase in wages and have, therefore, no alternative but to negative the present demand of the workmen which is accordingly dismissed. In view of the fact that I am dismissing the demand on merits it is wholly unnecessary for me to give any considered judgement on the preliminary objection raised by the management.

No order as to costs.

Dated 28th February, 1968

K. L. GOSAIN
Presiding Officer
Industrial Tribunal, Haryana,
Chandigarh.

No. 345, dated Chandigarh, the 4th March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 2143-3-Lab-68/7048.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the Workmen and Management of M/s Shibu Metal Works, Jagadhri.—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

REFERENCE No. 70 OF 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S SHIBU METAL WORKS, JAGADHRI

Present.—

Shri R. L. Gupta, for the management

Shri Madhusudan Saran, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Shibu Metal Works, Jagadhri, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government notification No. 281-SF-III-Lab-67/21678, dated 20th July, 1967. The two items of dispute which are mentioned in the said notification are as under :—

- “(1) Whether in view of the rising cost of living, the workmen should be granted dearness allowance equivalent to 25 per cent of their current wages with effect from the 1st November, 1966.
- (2) 2(a) Whether the termination of services of Piara Lal and Shante Ram was justified and in order. If not, to what relief are they entitled ?
- (b) Whether the workmen mentioned in issue No. 2(a) are entitled to the bonus as paid to other workers of the factory ?

On receipt of the reference in this Tribunal, usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. A preliminary objection was taken by the management that the demand in question was not an industrial dispute but the said objection was over-ruled,—vide my order dated 12th December, 1967. The parties were, therefore, after called upon to lead their evidence in respect of the two items of dispute and the case was fixed for today for this purpose. A mutual settlement of the dispute has been arrived at between the parties and the necessary relief has been given by the management to the workmen. Shri Madhusudan Saran who represents the workmen has made a statement before me that the demands of the workmen have been satisfied and that he does not wish any further adjudication of the same. Shri R. L. Gupta who represents the management has also made a similar statement. In view of the statements of the parties, the demands covered by both the items of dispute are dismissed as having been satisfied.

No order as to costs.

Dated 27th February, 1968.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 344, dated Chandigarh, the 4th March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh.